

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

ANDREA LEIGH HUFFSTETLER,

Plaintiff,

v.

CIVIL ACTION NO: 4:19-cv-00041-JLK

BURKLE NORTH AMERICA, INC.
ROBERT BURKLE GmbH d/b/a/
BURKLE PROCESS TECHNOLOGIES
and
STILES MACHINERY, INC,

Defendants.

DEFENDANT BURKLE NORTH AMERICA, INC.
ROBERT BURKLE GmbH d/b/a/ BURKLE PROCESS TECHNOLOGIES'
RULE 26(a)(2) EXPERT WITNESS DESIGNATION

NOW COME your Defendants, Burkle North America Inc. and Robert Burkle GmbH d/b/a Burkle Process Technologies (referred to collectively herein as “Burkle” or “your Defendants”), by counsel, pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure, this Court’s Scheduling Order, and the parties’ Third Amended Joint Discovery Plan, and this Court’s Order of June 29, 2020 adopting the same, in part, and hereby submits its designation of expert witnesses with subsequent reports, qualifications, testimony history, reliance materials, and exhibits to be produced to Plaintiff’s counsel in accordance with the parties’ Agreed Joint Discovery Plan and amendments thereto and stipulation by and between the parties.

1. Your Defendant reserves the right to rely on any expert witness identified by Plaintiff and/or co-Defendant Stiles Machinery, Inc., and in Plaintiff’s and/or co-Defendant

Stiles Machinery, Inc.'s Expert Designations to the extent the same is not objected to and/or contested.

2. The Designation and referenced reports set forth herein are based on information reasonably available to the Defendant at this point in time and at this stage in litigation, and your Defendant reserves the right to supplement and/or amend the Designation based on additionally available information.

Rule 26(a)(2)(B) Witnesses

Liability Experts

Chris G. Harte, P.E.
Senior Consultant
Products, MEP, Transportation, Electrical Divisions
Rimkus Consulting Group, Inc.
14801 W. 95th Street
Lenexa, KS 66215
(913) 904-5101

Mark H. Nelson, P.E., CFEI, CVFI, ACTAR
Manager-Products Division
Rimkus Consulting Group, Inc.
5900 Harris Technology Blvd., Suite P
Charlotte, NC 28269
(704) 896-6227

Mr. Harte is expected to testify to the subjects, materials, facts, opinions, data, and information set forth in the Rule 26(a)(2)(B) Report provided concurrently herewith and incorporated by reference. The above noted Report was peer reviewed and endorsed by Mr. Nelson, who would also be expected to testify, in that capacity, to the subjects, materials, facts, opinions, data, and information set forth in the Rule 26(a)(2)(B) Report provided concurrently herewith and incorporated by reference.

Olga Pierrakos, Ph.D.
Founding Chair & Professor
Department of Engineering Wake Forest University
455 Vine Street-Wake Downtown, Room 1603
Winston Salem, North Carolina 27101
(336) 702-1927

Dr. Pierrakos is expected to testify to the subjects, materials, facts, opinions, data, and information set forth in her Rule 26(a)(2)(B) Report provided concurrently herewith and incorporated by reference.

Damages Experts

Elliott H. Rose, MD
895 Park Avenue
New York, NY 10075
Phone: (212) 639-1346

Dr. Rose is expected to testify to the subjects, materials, facts, opinions, data, and information set forth in his Rule 26(a)(2)(B) Report provided concurrently herewith and incorporated by reference.

Glenn Joseph Kehs, MD
Assistant Professor, Neurology,
University of Maryland School of Medicine
2200 Kernan Drive
Baltimore, MD 21207
Phone (410) 448-6243

Dr. Kehs is expected to testify to the subjects, materials, facts, opinions, data, and information set forth in his Rule 26(a)(2)(B) Report provided concurrently herewith and incorporated by reference.

Elizabeth A. Davis, PhD, RN, CRRN, CLCP, CRC, IPEC
P.O. Box 754
Cedar Bluff, Virginia 24609
(276) 963-7736

Dr. Davis is expected to testify to the subjects, materials, facts, opinions, data, and information set forth in her Rule 26(a)(2)(B) Report provided concurrently herewith and incorporated by reference.

Robert W. Cook, Ph.D.
Robins School of Business
One Gateway Road
University of Richmond, Virginia 23173
(804) 289-8550

Dr. Cook is expected to testify to the subjects, materials, facts, opinions, data, and information set forth in her Rule 26(a)(2)(B) Report provided concurrently herewith and incorporated by reference.

Your Defendants reserve the right to designate additional experts who may opine on subjects pertinent to this litigation, including Plaintiff's personal injury claims. Additionally, to the extent not objected to by your Defendants, your Defendants reserve the right to call any of Plaintiff's treating providers identified in discovery to testify regarding the nature and extent of any physical injuries and/or past and/or future treatment for the same, claimed by Plaintiff herein and the causal relationship of the same to the incident complained of by Plaintiff herein.

Additionally, your Defendants reserve the right to call witnesses employed by either Burkle entity, and previously identified in discovery, to testify regarding technical information related to the glue spreader machine at issue herein, and its component parts, and the design, manufacture, and sale of the same. While this testimony will be factual in nature, to the extent any technical information related to the glue spreader machine at issue herein, and its component parts, and the design, manufacture, and sale of the same, is deemed to be the subject of expert testimony, your Defendants designate the witnesses employed by Burkle, previously identified in

discovery and the documents previously produced in discovery, to testify on these subjects. The facts and opinions to which any such witnesses are expected to testify are set forth in the Burkle discovery responses and in the documents previously produced in discovery.

Defendants expressly reserve the right to elicit expert opinions from any experts called by any other party to this lawsuit and/or to rely on the expert opinions provided by any expert called by any other party to this lawsuit, to the extent the same are not objected to and/or contested

Defendants reserve the right to supplement, revise, or modify their Expert Witness Designation and information and reports referenced therein including, but not limited to, the identification of additional and/or new experts, based on the production of new evidence, which includes deposition testimony from Plaintiff and any experts identified by Plaintiff.

If and when additional or different opinions are provided by Plaintiff's experts and/or those opinions are supplemented, amplified, or modified, Defendants further reserve their right to supplement, revise, or modify their Expert Witness Designation, and information and reports referenced therein including the identification of additional experts.

The experts identified herein may offer amended or augmented opinions based on the receipt of additional document production, deposition transcripts, and/or discoverable information, and your Defendants reserve the right to allow the above-noted expert witnesses to add, adjust, or otherwise amend the opinions and the basis therefore as updated discovery and adjusted circumstances may dictate.

BURKLE NORTH AMERICA, INC.
ROBERT BURKLE GmbH d/b/a/
BURKLE PROCESS TECHNOLOGIES

By: /s/
Of Counsel

Scott C. Hartin, Esquire (VSB #80450)

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McKENRY DANCIGERS DAWSON, P.C.

192 Ballard Court, Suite 400

Virginia Beach, VA 23462

(757) 461-2500 telephone

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd of July, 2020, a true copy of the foregoing Rule 26(a)(2) Expert Witness Designation was emailed to the following:

Glenn W. Pulley, Esquire (VSB No. 15677)

Matthew W. Broughton, Esquire (VSB No. 25226)

Evans G. Edwards, Esquire (VSB No. 79588)

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/s/

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